

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

FOOD LION, LLC, and MARYLAND
AND VIRGINIA MILK PRODUCERS
COOPERATIVE ASSOCIATION, INC.,

Plaintiffs,

V.

DAIRY FARMERS OF AMERICA, INC.,

Defendant.

1:20-CV-442

ORDER GRANTING JOINT MOTION TO MODIFY DISCOVERY AND BRIEFING SCHEDULE

The Parties in this antitrust case seeking injunctive relief have moved to modify their previously agreed upon schedule. (Docket Entry 65.) The modifications extend the time for the production of documents and the deposition of witnesses. This will result in this matter being ready for trial in early August 2021, as compared to the earlier “trial ready” date of late April 2021. The schedule has thus been extended overall by approximately 100 days.

In their Motion, the Parties recite the ongoing discovery that has occurred in this matter, their diligence in pursuing this discovery, and delays in the production of documents and data that have occurred despite that diligence. In light of the complexity of the issues presented in this matter, and the Motion demonstrating the Parties' diligence, and with the consent of the Parties, this Court finds that there is good cause under Federal Rule of Civil

Procedure 16(b)(4) to modify the Stipulated Discovery and Briefing Schedule/Order (Docket Entry 40) previously entered by the Court.

IT IS HEREBY ORDERED that the Motion (Docket Entry 65) is **GRANTED** and that the following deadlines and schedule shall apply to this matter:

1. All Parties shall substantially complete the production of documents and data by November 17, 2020.

2. Depositions of all non-expert witnesses and fact discovery shall be completed by February 12, 2021.

3. The Parties shall meet and confer concerning a proposed pretrial schedule by February 19, 2021.

4. The Parties shall submit a proposed pretrial schedule by February 24, 2021.

5. The Plaintiffs shall serve their expert report(s) by February 26, 2021.

6. The Defendant shall serve its expert report(s) by April 23, 2021.

7. The Parties shall serve all requests for admission on or before April 16, 2021.

All responses to requests for admission shall be served no later than May 17, 2021.

8. The Plaintiffs shall submit rebuttal expert report(s) by May 21, 2021.


9. All Motions for Summary Judgment and Motions to Exclude Expert Witnesses or Testimony shall be filed by June 4, 2021.

10. All responses and oppositions to Motions for Summary Judgment or to Exclude Expert Witnesses or Testimony shall be filed by July 6, 2021.

11. All replies on Motions for Summary Judgment or to Exclude Expert Witnesses or Testimony shall be filed by July 20, 2021.

12. This matter shall be ready for trial by August 2, 2021 with a trial date to be set by the Court.

In all other respects, this Court's previous Stipulated Discovery and Briefing Schedule/Order (Docket Entry 40) shall remain in full force and effect.



Joe L. Webster
United States Magistrate Judge

October 6, 2020
Durham, North Carolina